NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 78 of 2018

Smt. Suchitra Patr, W/o- Shri Vimal Patr, Aged about- 40 years, R/o- Quarter No. 436, type-II, Front of State Bank, Kirandul, District- Dantewada (C.G.)

---- Petitioner

Versus

Vimal Patr, S/o- Late Krishna Mohan Patr, Aged about- 38 years, R/o- Village Dimrapal, Mata Rukhmani Ashram, Dimrapal, Tahsil--Tokapal, District- Bastar (C.G.)

---- Respondent

For Petitioner	:	Mr. Shrawan Agrawal, Advocate
For respondent	:	Mr. P.K. Tulsiyan, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07.08.2019

1. This is wife's petition for transfer of proceedings of Civil Suit No. 60-A/2018 pending before the Court of Principal Judge, Family Court, Bastar at Jagdalpur filed under Section 22 of Special Marriage Act, 1954 for restitution of Conjugal Rights to the Court of District Judge Dantewada.
2. As per the petitioner, she is working as Nurse in the NMDC Hospital Kirandul and she is maintaining two minor children therefore, it is difficult for her to attend the Family Court at Jagdalpur whereas the respondent being a male member has no burden of minor children and for attending District Court, Dantewada for proceedings.

3. Learned counsel for the respondent submits that presently respondent is working at Ambala (Hariyana) and therefore, it is difficult to travel to Dantewada for proceedings.

4. The point for consideration before this Court is that whose convenience shall be preferred. In the present case, the petitioner who is maintaining two minor children is working at Kirandul therefore, her inconvenience should be preferred over convenience of the husband. The respondent/husband has to travel 83 km. to Dantewara which is bearable for him.

5. In the matter of **Rajani Kishore Pardeshi Vs. Kishore Babulal Pardeshi, reported in (2005) 12 SCC 237**, it is held that in such case inconvenience of the wife is to be preferred over the convenience of the husband.

6. Accordingly, Civil Suit No. 60-A/2018 pending before the Family Court at Jagdalpur is transferred to the Court of District Judge, Dantewada. The Court at Jagdalpur shall transmit the record to the District Judge, Dantewara.

7. Both Parties shall appear before the Court of District Judge, Dantewada on 25th September, 2019.

Sd/-

(Ram Prasanna Sharma)
JUDGE

N.Mohle